

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BRAVA INVESTMENTS DEVELOPMENT
LTD.,

Plaintiff,

- against -

HSBC BANK USA N.A.,

Defendant.
-----X

07 Civ. 3205 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated February 13, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity

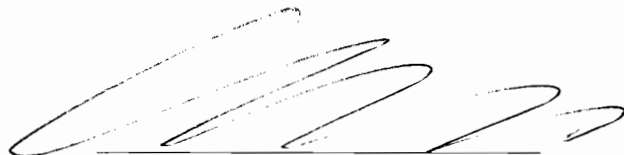
of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for February 15, 2008 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
14 February 2008

A handwritten signature in black ink, appearing to read 'V. Marrero', is written over a horizontal line.

VICTOR MARRERO
U.S.D.J.

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February 13, 2008

VIA TELECOPIER (212) 805-6382

Honorable Victor Marrero
Judge, United States District Court
Southern District of New York
500 Pearl Street - Room 660
New York, NY 10007

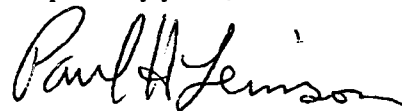
Re: Brava Investments Development Ltd. v.
HSBC Bank USA N.A. - 07 CV 3205 (VM)

Dear Judge Marrero:

As per my conversation with your Law Clerk, Kenneth Lawson, earlier today, this is to confirm that the parties have settled the above-referenced action, subject to execution of papers memorializing the settlement and the effectuation thereof. Accordingly, counsel jointly request that the Status Conference scheduled for this Friday, February 15, 2008, be adjourned *sine die*. We will advise promptly when the settlement is finalized and consummated.

Thank you for your consideration in this matter.

Respectfully yours,



Paul H. Levinson

PHL:ll
pl208chr.6

cc: Meredith L. Friedman, Esq. (Via E-Mail)